

# Native American Consultation

**F**ORMAL CONSULTATION with Native American tribes is mandated by federal law. Consultation proceedings are designed to ensure the participation of Native American representatives early in the planning process for US Army activities in a manner that is consistent with federal laws and regulations. The goal of consultation is the resolution of issues in terms that are mutually acceptable to the US Army and to the participating Native American groups. Consultation can be contrasted with two other forms of communication: notification and obtaining consent. Notification focuses on providing information, so potentially affected parties have the chance to respond to a pending action. Obtaining consent differs from consultation in that the information obtained from the consulting party is dispositive. Refusal to consent is sufficient to stop a proposed plan. Consultation provides an invaluable means of obtaining expert advice, ideas, and diverse opinions from Native American constituents regarding the control and appropriate treatment of federal resources. Failure to consult can significantly delay a project, either through court injunction or public pressure.

In August 1997, Fort Bragg entered into consultation with the Cherokee of Oklahoma and North Carolina, and the Catawba of South Carolina in an effort to comply with Executive Order 13007, which protects Native American sacred sites and provides access to these locations for appropriate individuals or groups. Related consultation is on-going with these Native American groups in order to comply with the American Indian Religious Freedom Act of 1978.

Standing Operating Procedures (SOPs) were implemented in May 1998, after consultation with the Cherokee and Catawba, for the inadvertent discovery of Native American human remains on the installation as well as the intentional excavation of Native American human remains. Cooperative Agreements or Comprehensive Agreements (CAs) are currently being developed that will implement and formalize the SOPs.

### Issues of Concern

The United States Government has negotiated and consulted with Native American tribes and groups throughout its history. More often than not, the American Indian has suffered as a result of these meetings and the actions that have resulted from them. Consequently, most Native American groups and Tribes have serious and legitimate concerns about the consultation process, especially with the United States Army, who was their principal foe throughout the 19th Century. The following are some of the major issues of concern to Native Americans. An understanding of these issues should help Army representatives develop the consultation process so that consultation becomes a meaningful and effective process that allows for open communication and long-term, credible consultation relationships.

### Public Disclosure and Confidentiality

Representatives of Indian tribes may be reluctant, unwilling, or even unable to provide information on sacred site locations or specific aspects of religious ceremonies or cultural traditions. If tribal representatives are concerned about disclosure issues, the Installation Commander should discuss these issues at the beginning of the consultation process with tribal representatives and with the Staff Judge Advocate in order to develop a means of protecting information that must be kept in confidence. During consultation, the Installation Commander or consultation representative should not request more information than is needed to discuss and resolve consultation issues. The Freedom of Information Act provides any person the right to access agency records, except to the extent that they are protected from disclosure by one of nine exemptions or by one of three special law enforcement record exclusions. The NHPA [16 USC 470w3] provides for the withholding of information about the location, character, or ownership of a district, site, building, structure, or object eligible for inclusion in the National Register of Historic Places. The Archeological Resources Protection Act [16 USC 470] prevents the disclosure of information on the nature and location of archeological resources that require a federal permit for excavation or removal. Archeological sites, traditional cultural properties, and sacred sites shall be protected from illegal entry or disturbance IAW DoD Directive 4165.61 and 36 CFR 79 (references (z) and (g)).

### Ceremonies and Access to Religious and Sacred Sites

Specific sites or landforms may serve as integral components of Native American religious practices and may require compliance with the NHPA as “traditional cultural properties.” Certain natural resources, such as particular plant species, may be necessary to fulfill religious or other

ceremonial needs. Thus, Indian tribal concerns not only involve the protection of such sites, objects, and resources, but also include retaining reasonable access to them. Even seasonal access restrictions to sites and resources may inhibit the practice of ceremonies that traditionally are held only at specific times of the year. Many traditional religious and cultural practices require privacy and cannot be performed in the presence of non-participants. The installation should work with tribal governments to protect the privacy of those practices.

#### Scientific Study and Photography of Human Remains

Many Native Americans consider the scientific study of human remains, including photographic documentation, to be disrespectful and culturally insensitive. NAGPRA limits scientific research to procedures that are necessary for determining cultural affiliation and lineal descendancy. The regulations only allow for more extensive study in those circumstances where human remains and certain cultural items are indispensable to the completion of a specific scientific study, the outcome of which is of major benefit to the United States (43 CFR § 10.10(c)).

#### Timing

Tribal representatives should be afforded time to adequately review the appropriate information and documentation to allow their constituencies to reach consensus. Gaining familiarity with tribal procedures and protocols may help avoid time conflicts in consultation proceedings. Tribal council meetings may provide the only or best opportunity for tribal representatives to gain tribal approval of consultation agreements. Developing an ongoing consultation relationship prior to a specific need for consultation also would help alleviate scheduling conflicts by addressing timing issues in advance. The consideration of timing issues should extend to the distance and costs of travel that will be required by tribal representatives to attend consultation meetings and to make site visits. The consultation schedule that is developed must also fit into the overall project timetable, including fiscal, mission, and legal constraints.

#### Liaisons

DoDI 4715.3 provides that “At each DoD installation, the base commander shall choose a staff member to serve as a liaison between the Department of Defense and tribal governments, if present. This person should be trained to deal with Native American issues. AR 200-4 Section 19 (c) provides that “The Installation Commander will establish a government to government relationship with federally recognized Indian tribes, as needed. If there are significant Native American issues, he will also designate an installation “Coordinator for Native American Affairs” to

facilitate the government to government relationship. The Installation Commander will ensure that the Coordinator for Native American Affairs has appropriate knowledge, skills, and professional training and education to conduct installation consultation responsibilities with Indian tribes.”

#### **POLICIES**

The following policies provide the foundation upon which all Native American consultation will take place:

- 1. Respect the sovereign status of each Native American tribal government. The Army must work directly with federally recognized tribes on a government-to-government basis, recognizing the sovereignty of each tribe. First contact should be made with the tribal leadership.**
- 2. At a minimum, the Indian tribes with whom consultation should occur are those groups that have tribal or trust lands in proximity to the Army installation, those Native American tribes that occupied the area of Fort Bragg in aboriginal times, and those tribes or groups with which Fort Bragg has previously held consultation proceedings.**
- 3. An attempt should be made to identify any non-federally recognized Native American groups that may eventually be brought into consultation as interested parties under certain federal laws and regulations (e.g., NEPA, AIRFA, 36 CFR § 800).**
- 4. Notification to tribal representatives should be made in letter form signed by the Installation Commander to the head of the tribal government, followed immediately by a confirming telephone call. Written notification should be sent by certified mail or similar device that offers receipt of delivery to the addressee.**
- 5. The consultation timetable should be developed to allow for the greatest opportunity possible for appropriate tribal representatives and others to participate in consultation.**
- 6. The Installation Commander should request information concerning tribal-developed regulations, ordinances, resolutions, and protocols for handling issues covered under specific federal cultural resources legislation when first establishing a consultation relationship.**

7. Consultation should identify, as early as possible, all potential issues that may result from a particular procedure or activity, so that resulting consultation meetings will not address these issues in a piecemeal fashion.
8. For procedural and planning decisions, consultation should be designed to result in mutually acceptable terms for avoiding or minimizing affects on Native American human remains or cultural resources. Agreement upon mutually acceptable revisions to plans or procedures that take into consideration Indian tribal concerns may be all that is necessary.
9. For proposed construction or land use activities, intentional excavations may be planned to determine whether any Native American cultural resources are present. The scope and procedures used for intentional excavations should be developed in consultation with all interested parties. Agreement may involve altering the timeframe of such activities, modifying the activities themselves, or relocating the activities to avoid affecting Native American human remains, cultural resources, traditional cultural properties, or religious sites.
10. If an Indian tribe, or tribal representative, does not respond in the requested time frame, follow-up notification should be made and alternative methods of consultation should be attempted.

## PROCEDURES

The following procedures establish general guidelines for consultation and identify issues to consider for successful proceedings:

1. The Installation Commander should develop procedures for consultation that take into consideration issues specific to the installation and to the Native Americans with whom consultation will occur. Before consultation with Native Americans can begin, the following should be identified:
  - a. the appropriate groups and representatives who should be invited to consult;
  - b. relevant tribal protocols, procedures, regulations, and cultural etiquette;
  - c. the activities or issues requiring consultation; and
  - d. the specific laws and regulations that mandate consultation, and the specific laws and regulations that encourage consultation.
2. Regardless of the specific legal mandate that prompts consultation, the general form of consultation should include the following components:

- a. identification of the appropriate consulting parties to achieve a government-to-government relationship;
- b. procedures for notifying the consulting parties;
- c. the consultation schedule, process, and content;
- d. resolution of the consultation issue(s);
- e. dispute resolution; and
- f. final actions.

3. The schedule for consultation should be developed mutually by the Army and tribal representatives taking into consideration a variety of matters:

- a. the complexity of the consultation issues;
- b. Army and tribal schedule and fiscal constraints;
- c. Army and tribal standing operating procedures and protocols; and
- d. statutory requirements.

#### Traditional Cultural Properties

Native American traditional cultural properties may include places where culturally important plants and animals are harvested. The gathering of such resources by traditional Native Americans usually has religious connotations. One often prays or purifies oneself in preparation for hunting and gathering. The hunting and gathering location (which may be quite large), is not necessarily the site of specific ritual activities. This does not detract from its cultural significance however, as the area and its resources may be absolutely vital to the continuing cultural integrity of a community. DoDI 4715.3 provides that "Native Americans shall have access to DoD sites and resources that are of religious importance, or that are important to the continuance of their cultures (e.g., areas containing traditionally used plants and traditionally used hunting areas), consistent with the military mission, appropriate laws (42 USC 1996, reference (f)), and regulations, and subject to the same safety, security, and resources considerations as the general public."

Consultation is the key to identification and protection of traditional cultural properties. ARPA and NAGPRA establish certain very basic threshold standards for notification and consultation that also apply to federal agency management of traditional cultural properties. Tribal procedures, and NPS and ACHP guidelines, provide more detailed but less binding direction. Although the Cherokee Nation of Oklahoma, the Keetoowah Band of Indians of Oklahoma, and the Catawba Indians of South Carolina did not identify any TCP issues during past consultation, the lack of traditional cultural properties located within the boundaries of

the Fort Bragg military reservation is not definitive. A dialogue to identify traditional cultural properties on Fort Bragg should be pursued further.

#### Sacred Sites on Fort Bragg

Archeological evidence indicates that the Fort Bragg military reservation has been the site of aboriginal hunting and gathering activities continuously throughout the past 12,000 years. Discussions between the CRP staff and the Cherokee Nation of Oklahoma, the United Keetoowah Band of Indians of Oklahoma, and the Catawba Indians of South Carolina have not yet established that sacred sites exist on Fort Bragg. However, it is the general practice of traditional Indian groups to not reveal sacred sites to non-Indians, especially to agents of federal agencies, in recognition of the long history of duplicity and deceit federal agencies have practiced when dealing with Native Americans. A decision by the Tribal representatives to not identify sacred sites does not relieve the government from their responsibility to continue consulting with federally-recognized tribes prior to a federal undertaking in compliance with Section 106 of the NHPA. Protection of sacred sites on Fort Bragg is ensured by the well-established principle of “reserved rights.” Under this principle, the Indian Tribes may, during the consultation process as required for specific federal undertakings under Section 106, determine threats to the integrity of specific sacred sites. Thus, it is imperative that all projects on Fort Bragg be reviewed by the Cultural Resources Manager at the earliest possible time, well before any action takes place at the project site, so that consultation with the Cherokee and Catawba historic preservation office may be accomplished and any necessary project modification to avoid sacred sites or traditional cultural properties be initiated prior to actual construction or other actions.

1. EO 13007 should be employed in conjunction with other pertinent laws, regulations and policies to provide the fullest possible access and use for these sites as well as the highest level of protection for them.
2. The installation Native American Coordinator (or cultural resources manager) should view Indian sacred sites as Indian peoples do as parts of a landscape not conceptually bounded as specific identifiable spaces even though the executive order defines them as such. These sites can be quite large.
3. Although the EO calls for tribes to identify sacred sites on federal lands, it is up to the agency under other statutes to identify historic places, including sacred sites, and to consult with tribal governments on how to protect them. Army land managers are cautioned that there may well be

sacred sites on lands that they manage that have not yet been identified by Indian tribes, or that may not yet exist because sacred sites are created through the practice of traditional American Indian religions.

4. Native American Coordinators are encouraged to use the provisions of Section 304 of the NHPA and Section 9 of the ARPA to limit public access to knowledge about sacred sites. Given the difficulty of limiting access under the Freedom of Information Act, agency personnel should acquire the minimum amount of information they need to justify their management decisions. The agency should respect any tribe's reluctance to reveal the location of sacred sites if they feel that it would compromise the confidentiality of their religious practices.

5. The needs of tribes differ from those of the general public. Managers considering consultation with tribes should consider the appropriateness of nearby changes in vegetation, air and water quality, noise level, and viewshed.

6. Inappropriate facilities should not be placed near the likely location of religious activities. In planning for change, managers should prevent harm to the physical integrity of the site.

7. Tribes should be part of any large-scale plans. This involvement should precede meetings open to the public, in case confidential issues must be resolved.

8. Notification should be on a government-to-government basis, in written form, and well before any planned project or other action. Managers are encouraged to include, as part of the notification, an offer to meet with tribal representatives, at a place of their choosing, to hear their concerns.

Sample Memorandum of Understanding

**MEMORANDUM OF UNDERSTANDING  
Between [Indian Tribe]  
And  
US Army Fort Bragg  
Regarding Tribal Consultation**

Whereas, Fort Bragg has a need to engage in ongoing activities that may involve the disturbance of sacred sites and/or traditional cultural properties that are culturally affiliated with the [Indian Tribe]; and

Whereas, Fort Bragg, in consultation with officials and traditional religious leaders of the [Indian Tribe], is responsible for the identification and protection of sacred sites and/or traditional cultural properties discovered on land under US Army ownership within the boundaries of the Fort Bragg military reservation; and

Whereas, pursuant to the Archeological Resources Protection Act, 16 USC § 470aa et seq. (hereinafter “ARPA”), the National Historic Preservation Act, 16 USC § 470 et seq. (hereinafter “NHPA”), and the National Environmental Policy Act, 42 USC §§ 4321, 4331, 4332 (hereinafter “NEPA”), Fort Bragg, in consultation with officials and traditional religious leaders of the [Indian Tribe], is responsible for the identification, protection, and disposition of Native American human remains and associated funerary objects, unassociated funerary objects, sacred objects, and objects of cultural patrimony excavated or discovered on lands under US Army ownership; and

Whereas, ARPA states in 16 USC § 470cc (c), “If a permit issued under this section may result in harm to, or destruction of, any religious or cultural site, as determined by the Federal land manager, before issuing such permit, the Federal land manager shall notify any Indian tribe which may consider the site as having religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of section 470hh of this title;” and

Whereas, NHPA in 1992 added Section 101(d)(6)(A), specifying that “Properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register” (of Historic Places); and

## Part 2: Standing Operating Procedures

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Whereas, Congress also added Section 101(d)(6)(B), directing Federal agencies, in carrying out their NHPA responsibilities, to "...consult with any Indian tribe or Native Hawai-ian organization that attaches religious and cultural significance to properties described in subparagraph (A);" and

Whereas, Section 110(a)(2)(E)(ii) of NHPA provides "a process for the identification and evaluation of historic properties for listing in the National Register and the development and implementation of agreements, in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on such properties will be considered;" and

Whereas, Executive Order 13007 (May 24, 1996), "Indian Sacred Sites," states, "(a) In managing Federal lands, each executive branch agency with statutory or administrative responsibility of the management of Federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies shall maintain the confidentiality of sacred sites;" and

Whereas, the [Indian Tribe] is the federally recognized Indian tribe with an inherent right of sovereignty in a government-to-government relationship within the land owned by the US Army installation at Fort Bragg and contiguous lands when under the control of Fort Bragg; and

Whereas, appropriate treatment of Native American sacred sites and/or traditional cultural properties of the [Indian Tribe] establishes the need for a responsible balance between Native American cultural values, other public interests, and the mission of the Army; and it is the intent of the parties to avoid any damage to sacred sites and/or traditional cultural properties culturally affiliated with the [Indian Tribe] located on land under US Army Fort Bragg ownership and/or control;

NOW THEREFORE, Fort Bragg and the [Indian Tribe] agree that the following procedures will be followed.

### Article I: Definitions

For the purpose of this Memorandum of Understanding, the following definitions shall apply:

1. Cultural Affiliation “means that there is a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present-day Indian tribe...and an identifiable earlier group.” [25 USC § 3001, Sec2].
2. Federal lands mean “any land other than tribal lands which are controlled or owned by the United States, including lands selected by but not yet conveyed to Alaska Native Corporations and groups organized pursuant to the Alaska Native Claims Settlement Act of 1971.” [25 USC § 3001, Sec2].
3. Historic property “means any prehistoric or historic district, site, building, structure, or object included on, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property” [16 USC § 470w, Sec. 301(5)].
4. Indian tribe means “any tribe, band, nation, or other organized group or community of Indians, including Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.” [25 USC § 3001, Sec. 2].
5. Preservation “includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities or any combination of the foregoing activities” [16 USC § 470w Sec. 301(8)].
6. Traditional cultural properties “means a place that is eligible for inclusion on the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community” [National Register Bulletin 38:1].
7. Undertaking “means a new, specific, project, activity, or program that may affect interests or issues relating to the [Indian Tribe], that are funded in whole or in part under the direct or indirect jurisdiction of Fort Bragg, including-(a) those carried out by or on behalf of Fort Bragg; (b) those carried out with Federal financial assistance on Fort Bragg lands; (c) those requiring a federal permit, license, or approval on Fort Bragg lands; and

(d) those subject to State or local regulation administered pursuant to delegation or approval by a Federal agency on Fort Bragg lands” [16 USC § 470w Sec. 301(8)].

**Article II: Objectives of this MOU**

Historic properties with traditional religious and cultural importance are essential to maintaining the cultural integrity of Indian tribes. Such properties are critical to the cultural survival of many Native American communities. To preserve the character of such properties, archeological compliance activities should be carried out in such a manner that these activities respectfully balance Native American cultural values with other public interests. The archeological compliance process should be flexible and should consider the full effects of undertakings on such properties.

**Article III: Procedures for Consultation Initiated by Fort Bragg with the [Indian Tribe]**

Upon initiation by Fort Bragg of the planning for an undertaking that affects or may affect the interests of the [Indian Tribe], as provided in the Archeological Resources Protection Act, 16 USC § 470aa et seq., the National Historic Preservation Act, 16 USC § 470 et seq., the National Environmental Policy Act, 42 USC §§ 4321, 4331, Executive Order 13007 (May 24, 1996), “Indian Sacred Sites,” the Native American Graves Protection and Repatriation Act, 25 USC §§ 3001, and the American Indian Religious Freedom Act, 42 USC §§ 1996, the following steps shall be followed.

1. Fort Bragg will operate within a government-to-government relationship with the [Indian Tribe].
2. Fort Bragg will work with the point of contact (POC) appointed by the [Indian Tribe], if different from the [Indian Tribe] President. If a POC is appointed, then it will be the responsibility of the tribe to notify Fort Bragg in writing, within 30 days, of any changes.
3. Fort Bragg will issue a review notification to the [Indian Tribe] once an undertaking is planned.
4. Notification will be made to the [Indian Tribe] President and [Indian Tribal] Legislature as well as to the tribal POC, if different.

5. The notification will include a scope of work, a map showing the location of the proposed activity, a description of how the activity will impact the area, a schedule of when the activity will take place, a list of all tribes contacted, the name of the Native American Coordinator at Fort Bragg, the specific input needed from the [Indian Tribe], and a request for the names and addresses of other persons the [Indian Tribe] recommends should be notified or consulted.
6. The notification will be mailed certified/return receipt, and the Fort Bragg Native American Coordinator will telephone the [Indian Tribe] President or the tribal POC on or before the date the notification is mailed.
7. The [Indian Tribe] will have a minimum of 30 days and no longer than 60 days from the date the notification was mailed to indicate by US Mail, telephone, or email to the Commander, Fort Bragg, ATTN: Native American Coordinator (Mr. Wayne Boyko), telephone (910) 396-6680, fax (910) 396-5830, or email: boykow@bragg.army.mil, an interest in additional consultation regarding the proposed undertaking.
8. If after 30 days Fort Bragg has not received a response, the Fort Bragg Native American Coordinator shall telephone the tribal POC to determine if the [Indian Tribe] is going to respond to the notification. If the [Indian Tribe] is not going to respond, then the Fort Bragg Native American Coordinator will ask the tribal POC to send a letter stating that the [Indian Tribe] has no concerns regarding the proposed activity.
9. Fort Bragg will begin consultation within 30 days of timely receipt of interest from the [Indian Tribe].
10. Consultation will be conducted to elicit the concerns of the [Indian Tribe], and Fort Bragg will take all concerns into full consideration to arrive at decisions that respect those concerns when possible. Fort Bragg will make NO decisions that will compromise the mission of the US Army or the mission of Fort Bragg.
11. Fort Bragg personnel will take steps to understand that factors such as language differences, economic circumstances, seasonal availability, or other constraints may limit the ability the [Indian Tribe] to respond in a timely manner or to attend consultation meetings.

**Article IV: Procedures for Consultation Initiated by the [Indian Tribe] with Fort Bragg**

1. If the [Indian Tribe] thinks that Fort Bragg is not addressing their concerns they can contact the Fort Bragg Native American Coordinator at the installation to discuss their concerns.
2. If the [Indian Tribe] think that the Fort Bragg Native American Coordinator has not addressed the issue, then the tribal POC may seek assistance from the Installation Commander.

**Article V: Respect for Religious and other Cultural Beliefs**

1. When a proposed undertaking will affect a sacred site or a traditional cultural property of the [Indian Tribe], Fort Bragg personnel will respect such interests in accordance with the First Amendment to the US Constitution.
2. Fort Bragg personnel should understand that Native American religious practitioners may be unwilling to disclose all information about a sacred site and/or traditional cultural property because it would violate their cultural values.
3. The [Indian Tribe] should take into consideration that Fort Bragg will need some documentation as to why an area is considered a sacred site or traditional cultural property, or the installation may not be able to prevent the adverse effect to the site.

**VI: Confidentiality**

1. Participants in the compliance-review process should seek the minimal amount of information that is necessary for the completion of the undertaking.
2. Fort Bragg will respect the [Indian Tribe]'s need for confidentiality for information about sacred sites and/or traditional cultural properties.
3. Any information divulged to Fort Bragg from any source, including traditional leaders or members of the tribe, will be kept confidential under the regulations of the Freedom of Information Act [5 USC ' 552], but this information may be released if a valid request is made by a third party. Fort Bragg may be obligated under the Freedom of Information Act to disclose all non-exempt information that is discussed with the [Indian Tribe].

4. Section 110(a)(2)(b)(10), regarding disclosure of sensitive information of NHPA, states “Under Section 304 of the Act, an agency shall not disclose information to the public relating to the location or character of historic or archeological properties if the agency determines that the disclosure of such information may create a substantial risk of harm, theft, or destruction of such properties or to the area or place where such properties are located. In determining whether and how to disclose information, an agency should balance the need to protect properties from injury against the need to disclose information on such properties to those that may be concerned about, or have such responsibility to comment upon, agency actions that may affect such properties. Where both needs exist, reports on historic properties should be organized so that locational information can be withheld while descriptive information and other data needed for planning and review purposes are disclosed.”

5. NHPA Section 110(a)(2)(b)(10) does not necessarily protect non-locational information of historic or archeological properties.

**Article VII: Term of Agreement**

1. From the date of the last signature, the MOU shall remain in effect for a term of three (3) years and may be amended only with the written consent of all parties hereto at the time of such amendment.
2. Any signatory party may terminate their participation in the MOU upon 30 days’ written notice to the other signatories.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 199\_\_, the parties acknowledge, by affixing hereto the signatures of their authorized representatives, that they have read and do agree to abide by the statements of this Memorandum of Understanding.

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Authorized Official (Head of Tribal Government)	Date
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Authorized Official (Installation Commander)	Date
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